REMARKS

In the pending Official Action, the drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5). Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2004/0218810 ("MOMMA") in view of U.S. Application Publication No. 2006/0170891 ("NISHINAGA"). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over MOMMA. Claims 1, 3, 4, 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MOMMA in view of NISHINAGA, and further in view of JP 08-299267 ("HAMADA"). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over MOMMA, HAMADA and NISHINAGA as applied to claim 1, and further in view of U.S. Application Publication No. 2006/0188869 ("ZISKIND"). Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MOMMA, NISHINAGA and HAMADA as applied to claim 1, and further in view of U.S. Patent No. 7,401,921 ("BAKER"). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over MOMMA, NISHINAGA and HAMADA as applied to claim 1, and further in view of U.S. Patent No. 6,381,783 ("REINHARDT"). Claims 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MOMMA, NISHINAGA and HAMADA as applied to claim 1, and further in view of U.S. Application Publication No. 2007/0034775 ("CHENG"). Reconsideration and allowance of the present application is respectfully requested in view of the following.

With respect to the drawings, which stand objected to for failing to comply with 37 CFR § 1.84(p)(5) because FIG. 5 does not contain "an illuminance sensor S_L" as disclosed in paragraph 0037 on page 24 of the originally filed specification, Applicants have amended paragraph 0037 to disclose "an illuminance sensor S_L." Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

With respect to the 35 U.S.C. § 112, second paragraph, rejection of claim 6, Applicants have amended claim 6 to place the claim in a more proper form. Applicants, therefore, respectfully request that the rejection of claim 6 under 35 U.S.C. § 112 be withdrawn.

Although the Official Action asserts that MOMMA discloses a camera, Applicants respectfully submit that no combination of the applied art set forth in the Official Action discloses or teaches a light-shielding body located behind the light diffusion plate between the light diffusion plate and the imaging camera to shield light from the illumination light source directly or reflecting off the back of the light diffusion plate from entering the imaging camera, as recited in independent claims 1 and 2. Instead, Applicants submit that MOMMA discloses that four light sources 131 to 134 are placed behind the track of moving camera 120 at substantially equal intervals. Diffused lighting is realized by a diffused board 160 placed between the light sources and the client's face. (See MOMMA, paragraph 0027 and FIGS. 1 and 2). Additionally diffused board 160 has three holes 162, 164 and 166, which correspond to points 122, 124 and 126, respectively, and enable camera 120 to take a picture image of the client's face. Another light source 135 is placed on the ceiling of box 100, and one more light source 136 is placed on the floor of box 100, both of which are beyond diffused boards from the client's face. (See MOMMA, paragraph 0028 and FIGS 1 and 2). In other words, although MOMMA discloses a camera and a diffusion plate, MOMMA fails to disclose a light-shielding

body located behind the light diffusion plate between the light diffusion plate and the imaging camera to shield light from the illumination light source directly or reflecting off the back of the light diffusion plate from entering the imaging camera, as recited in independent claims 1 and 2.

NISHINAGA fails to cure the deficiencies of MOMMA with respect to a light-shielding body located behind the light diffusion plate between the light diffusion plate and the imaging camera to shield light from the illumination light source directly or reflecting off the back of the light diffusion plate from entering the imaging camera. Applicants note that NISHANAGA relates to an exposure apparatus and an exposure method in which a pattern formed on a mask is transferred onto a substrate to expose the substrate therewith and a method for producing a device based on the use of the exposure apparatus, NISHINAGA is directed at solving a wholly different problem than that solved by the present invention. Applicants further submit that, due to the non-analogous nature of the technology disclosed in NIHSANAGA, NISHINAGA is not properly combinable with the other applied art of record.

Additionally, NISHANAGA discloses a plano-convex lens 41 with a light-shielding section 43 formed on a flat section 41 and a light-transmitting section 44, which has a diameter of about ten to twenty or several tens micrometers for use with an ArF excimer laser light source in the vacuum ultraviolet region as the exposure beam. (See paragraphs 0126-0127, 0131-0132, 0139 and 0144). In other words, the light-transmitting section 44 of NISHINAGA transmits high-frequency ArF excimer laser light, and not diffused light, as in the present invention.

However, even if NISHINAGA is properly combinable with the other applied art of record, NISHINAGA still fails to disclose a light-shielding body located behind the light diffusion plate between the light diffusion plate and the imaging camera to shield light from the illumination light source directly or reflecting off the back of the light diffusion plate from

entering the imaging camera, as recited in independent claims 1 and 2. Applicants further submit that, NISHINAGA does not disclose shielding a light incident to the imaging camera.

Applicants further note that NISHINAGA discloses an exposure apparatus having a light shielding body with a pinhole, the light shielding body being part of an exposure beam sensor 27 that has light receiving element 42 receiving optical light from projection optical system PL as a measuring object. Thus, even if one assumes that the light receiving element 42 of NISHINAGA corresponds to the camera of the presently claimed invention, it is unclear what, in NISHINAGA, corresponds to the illumination light source of the present invention. In this regard, if the projection optical system PL of NISHINAGA is asserted to correspond to the illumination light source, then the light shielding body of NISHINAGA cannot shield light from entering the imaging camera from the illumination light source directly, since the light of the projection optical system enters the imaging camera through the pinhole of the shielding body.

If, on the other hand, the projection optical system PL corresponds to a face (i.e., the image pick-up object), NISHINAGA does not disclose a light source which is located on the other side of the light diffusion plate from a face image pick-up object. In other words, the light-shielding body of NISHINAGA will then not be located between the light source and the light-receiving element (i.e., the imaging camera) and, therefore, would not shield the light entering the imaging camera directly. Thus, even if a person of ordinary skill in the relevant art were to modify the skin image capturing box of MOMMA with a light-shielding body as disclosed by NISHINAGA, one would still not arrive at the invention as claimed.

Applicants respectfully submit that HAMADA, ZISKIND, BAKER, REINHARDT and CHENG all fail to cure the deficiencies of MOMMA and NISHINAGA with respect to a light-shielding body located behind the light diffusion plate between the light diffusion plate and the

imaging camera to shield light from the illumination light source directly or reflecting off the back of the light diffusion plate from entering the imaging camera, as recited in independent claims 1 and 2. Applicants note that the Official Action makes no representation that any of these applied prior art references discloses the features of claims 1 and 2 and Applicants submit that these references to not teach said features. In this regard, HAMADA relates to a moveable jaw rest used in an ophthalmology instrument that projects alignment light on an eye to be examined and performing alignment adjustment. ZISKIND relates to methods and apparatus for imaging, such as that used in microscopy. BAKER relates to head supporting and positioning apparatus and methods, such as may be useful for eye examination and/or treatment. REINHARDT relates to a head clamp for positioning a head, with a frame formed from two frame elements, which respectively have first ends which are movably joined together and second ends which carry pins for fixing the head in position. CHENG relates to a light source and method for making the same. Applicants submit that none of these applied art references discloses a light-shielding body located behind the light diffusion plate between the light diffusion plate and the imaging camera to shield light from the illumination light source directly or reflecting off the back of the light diffusion plate from entering the imaging camera, as recited in independent claims 1 and 2.

With respect to independent claim 5, the Official Action asserts that MOMMA discloses the claimed invention but concedes that MOMMA does not disclose a face holding mechanism for holding the face as an object at a focused focal point of the imaging camera by a head support member capable of adjusting the forward-to-backward and vertical positions for restricting the position of a head by abutment against a head top non-observation region of the face inserted in the casing, as recited in claim 5. (See Official Action, page 5, paragraph number 10). However,

the Official Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means to adjust the head support member based on the individual under examination, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. (See Official Action, page 5, paragraph number 10). However, Applicants respectfully submit that, making the recited adjustments and restricting the position of a head by abutment against a head top non-observation region of the face inserted in the casing would not have been obvious to one of ordinary skill in the art. The fact that MOMMA does not disclose this feature, even though it is directed to methods and systems for processing digital images of human skin to evaluate the conditions of the skin for dermatology, supports the view that restricting the position of a head by abutment against a head top non-observation region of the face inserted in the casing is a non-obvious feature.

Applicants further submit that Claims 3, 4 and 6-14 depend from shown to be allowable base claims 1 and 2, respectively, and are therefore submitted to be allowable for the same reasons as those discussed above for claims 1 and 2, and further in view of the novel and non-obvious features recited therein.

In view of the above, Applicants submit that claims 1-14 are allowable over the prior art combination suggested in the pending Official Action. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejections of claims 1-14 and to indicate the allowability of these claims.

SUMMARY

Based on the remarks provided above, Applicants submit that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of the allowance of claims 1-14 is now believed to be appropriate.

All amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome an objection or rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions concerning this Response or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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